

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 01-230 (DSD)

United States of America,

Plaintiff,

v.

ORDER

Ausby Stowers,

Defendant.

Andrew S. Dunne, United States Attorney's Office, 300 South Fourth Street, Suite 600, Minneapolis, MN 55415, counsel for plaintiff.

Ausby Stowers, #10054-041, Federal Medical Center, P.O. Box 4000, Rochester, MN 55903, defendant pro se.

This matter is before the court upon the pro se motion to reconsider final judgment of motion for reduction of sentence under 18 U.S.C. § 3582(c)(2) by defendant Ausby Stowers. Motions to reconsider require the "court's prior permission," which will be granted only upon a showing of "compelling circumstances." D. Minn. LR 7.1(j). Stowers has not received permission from the court, and this alone warrants denial of his motion to reconsider.

Even if the court were to construe Stower's motion as a request for permission to file a motion to reconsider, it would be denied. A motion to reconsider should not be employed to relitigate old issues but rather to "afford an opportunity for relief in extraordinary circumstances." Dale & Selby Superette & Deli v. U.S. Dep't of Agric., 838 F. Supp. 1346, 1348 (D. Minn. 1993). Here, Stowers raises no new arguments in his motion, and

the court finds that reconsideration is not warranted.¹

Likewise, a motion to vacate "is an extraordinary remedy and will be justified only under exceptional circumstances." Prudential Ins. Co. of Am. v. Nat'l Park Med. Ctr., Inc., 413 F.3d 897, 903 (8th Cir. 2005) (citations and internal quotation marks omitted). Such circumstances include mistake, newly discovered evidence, fraud, misrepresentation, or "any other reason that justifies relief." Fed. R. Civ. P. 60(b). Stowers has shown no exceptional circumstances that justify relief.

Accordingly, **IT IS HEREBY ORDERED** that the motion to reconsider [ECF No. 91] is denied.

Dated: January 19, 2016.

s/David S. Doty
David S. Doty, Judge
United States District Court

¹ Stowers contends that the court did not receive his reply to the government's opposition to his motion to reduce sentence before denying the motion. Although not specifically referenced in the order, the court received and considered his reply before reaching its final determination. See ECF Nos. 89, 90.